

REMARKS

Reconsideration of the above-identified patent application in view of the following remarks is respectfully requested.

Claims 1-41 are currently pending in this application. Claims 5, 11, and 18 been rejected under §112, second paragraph. Claims 1-13 have been rejected under §101. Claims 1-5, 7-11, and 14-18 have been rejected under §102(b). Claims 6, 12, and 19 have been rejected under §103(a). Claims 1-20 have been canceled. New independent claims 21, 28, and 35, and dependent claims 22-27, 29-34, and 36-41, have been added.

The claims before the Examiner are directed toward a data access engine 22, computerized system 20, and method 40 for increasing a level of efficiency of a network server. Data access engine 22 located in first data processing machine 21 is capable of communication with at least one pseudo server 28 located in a second data processing machine 27 (*i.e.* LAN server 26). The physical separation between data access engine 22 and the server logic and interface of pseudo server 28 is a distinguishing characteristic of the invention. Any request for a subset of data stored in data access engine 22 must be routed through at least one pseudo server 28.

Claim Amendments

New Independent claims 21, 28, and 35, and dependent claims 22-27, 29-34, and 36-41, have been added. Support for the new claims can be found to a large extent in the originally-filed claims. A claims-mapping table (Table R1) is provided below as the basis for support of the new claims. Additional remarks are provided below to elaborate on the support for various aspects and limitations of the new claims.

<u>New Claims</u>	<u>Support from Claims as Originally Filed</u>
Claim 21	Claim 1
Claim 22	Claim 3
Claim 24	Claim 4
Claim 25	Claim 6
Claim 28	Claim 7
Claim 29	Claim 3
Claim 31	Claim 4
Claim 32	Claim 6
Claim 35	Claim 14
Claim 36	Claim 16
Claim 38	Claim 17
Claim 39	Claim 19

Table R1. Claims-mapping table showing support for new claims from claims as originally filed.

Independent claims 21, 28, and 35 have support largely from the originally-filed claims as listed in Table R1. Claims 21, 28, and 35 include the term “server-side data-processing machine” which corresponds to the “first data processing machine” in claims 1, 7, and 14, respectively. Implicit and inherent support for such a machine being a server-side machine is located throughout the originally-disclosed specification.

The limitation “wherein said at least one pseudo server includes a server-logic module and a user interface (UI) for fulfilling data requests originating from a client memory of a client-side data-processing machine” in claim 21, and similar language

in claims 28 and 35, has explicit support from the originally-disclosed specification in Para. [0010-0011] and [0059-0060] of the patent application publication (Patent Publication No. 20090119359, hereinafter referred to as Cohen '359).

New dependent claims 22, 24-25, 29, 31-32, 36, and 38-39 are fully supported by the originally-filed claims as listed in Table R1.

New dependent claims 23, 26-27, 30, 33-34, 37, and 40-41 have explicit, inherent, and/or implicit support from the originally-disclosed specification in Para. [0010-0011], [0056], and [0059-0060] of Cohen '359.

§101 Rejections

The Examiner has rejected claims 1-13 been rejected under §101 as not falling within one of the four statutory categories of invention. The Examiner's rejection is respectfully traversed.

The Examiner cites page 10 of *In re Bilski* 88 USPQ2d 1385 in support of the §101 rejections. However, on page 16 of *ex parte Dickerson*, BPAI Appeal 2009-001172, it was ruled:

In re Bilski, 545 F.3d 943, 951 (Fed. Cir. 2008) (en banc).

Claims 23, 29, and 30 are drawn to processes (FF 1-10) which are statutory if they meet the machine-or-transformation test. "A claimed process is surely patent-eligible under § 101 if: (1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing." *Id.* at 954, citation omitted. We find that claims 23, 29, and 30 recite a computerized method which includes a step of outputting information from a computer (FF 7 and 9-10) and therefore, are tied to a particular machine or apparatus.

Therefore, we find that the Examiner erred in rejecting claims 23 and 26-33 under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Therefore, Applicant respectfully submits that, in view of the above ruling, independent claims 21, 28, and 35, and hence dependent claims 22-27, 29-34, and 36-41, are patentable subject matter.

§102(b) Rejections

The Examiner has rejected claims 1-5, 7-11, and 14-18 been rejected under §102(b) as being anticipated by Mani-Meitav *et al.*, US Patent Publication No. 20030050974 (henceforth, “Mani-Meitav ’974”). The Examiner’s rejection is respectfully traversed.

The Examiner has mistakenly equated the pseudo server of Cohen ’359 with the ORA of Mani-Meitav ’974. A distinguishing aspect, *inter alia*, of Cohen ’359 is that the pseudo server is not located with the data-access engine. Such a configuration is not disclosed by Mani-Meitav ’974.

Cohen ’359 improves network efficiency and security by splitting the functions of the server logic, user interface, and processing (*i.e.* pseudo-server) from the data access itself (*i.e.* data-access-engine). In Mani-Meitav ’974, the logic function is performed by the server, and not by the ORA. The data flow in Mani-Meitav ’974 is: end user → network → ORA → disk; whereas, in Cohen ’359, the data flow for the fully-implemented embodiment is end user → pseudo server → network → data-access engine → vault.

Mani-Meitav ’974 does not teach such a configuration as described above. Thus, the present invention, as recited in independent claims 21, 28, and 35, is not anticipated by Mani-Meitav ’974.

With independent claims 21, 28, and 35 allowable in their present form, it follows that claims 22-27, 29-34, and 36-41, which depend therefrom, are also allowable.

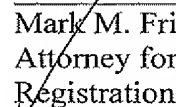
§103(a) Rejections

The Examiner has rejected claims 6, 12, and 19 under §103(a) as being unpatentable over Mani-Meitav '974 in view of Cohen, US Patent No. 6,356,941 (henceforth, "Cohen '941"). The Examiner's rejection is respectfully traversed.

In view of the remarks detailed above with regard to Mani-Meitav '974, with independent claims 21, 28, and 35 allowable in their present form, it follows that claims 22-27, 29-34, and 36-41, which depend therefrom, are also allowable.

In view of the above remarks, it is respectfully submitted that independent claims 21, 28, and 35, and hence dependent claims 22-27, 29-34, and 36-41, are in condition for allowance. Prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,



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